

REMARKS

As a preliminary matter, for the Examiner's convenience, enclosed herewith is a machine translation of JP 07-272304 to Nakano et al.

Applicants appreciate the Examiner's acknowledgement that Claims 4-7 and 11-14 contain allowable subject matter and would be allowed if amended into independent form to include the subject matter of their associated bas claim and any intervening claims. In response, Applicants have amended Claims 4 and 11 into independent form. Accordingly, Applicants respectfully request an indication of the allowance of amended Claims 4 and 11 and associated dependent Claims 5-7 and 12-14.

Claims 1 and 2 stand rejected under 35 U.S.C. §103 as being unpatentable over United States Patent No. 5,708,644 to Hasegawa in view of Japanese Publication No. 07-272304 to Nakano et al. (Application No. 06-083206). Claim 3 stands rejected under 35 U.S.C. §103 as being unpatentable over United States Patent No. 5,708,644 to Hasegawa in view of Japanese Publication No. 07-272304 to Nakano et al. (Application No. 06-083206) and further in view of United States Patent No. 5,367,530 to Noishiki et al. Claims 8-10 stand rejected under 35 U.S.C. §103 as being unpatentable over United States Patent No. 5,708,644 to Hasegawa in view of Japanese Publication No. 07-272304 to Nakano et al. (Application No. 06-083206) and further in view of United States Patent No. 5,367,530 to Noishiki et al. and still further in view of Applicants' Admitted Prior Art ("AAPA"). Applicants respectfully traverse these rejections.

Applicants respectfully submit that the cited references, alone or in combination, fail to disclose or suggest all of the features of the present invention. First, neither the Hasegawa reference or JP 07-272304, nor any of the other cited references, disclose or suggest an optical pickup, or an optical storage device, that includes, *inter alia*, “a stem” and “a substrate mounted on said stem,” as defined in independent Claims 1 and 8. Second, nor do these references disclose or suggest the claimed substrate that is “being biased at a given voltage [or potential] and having an insulating member opposed to said stem,” as also defined in independent Claims 1 and 8.

One example of an embodiment of the present invention of Claims 1 and 8 is shown in Applicants’ Figure 5, which includes stem 74 and a substrate 76 mounted on the stem, where the substrate 76 has an insulating member 77 opposed to the stem 74.

In contrast, the device of the Hasegawa et al. reference merely includes a stem 6, but no substrate mounted on the stem. Further, since the device of Hasegawa et al. lacks the claimed substrate, it also lacks the claimed “insulating member” that the substrate has opposed to the stem, as defined in independent Claims 1 and 8.

First, Applicants respectfully submit that the cited references fail to disclose or suggest the claimed “stem” with a “substrate “mounted on said stem,” as defined in independent Claims 1 and 8. On page 2 of the August 26, 2005 Office Action the Examiner asserts that in the Hasegawa reference, the upper surface of the stem performs the function of the substrate. However, in independent Claims 1 and 8, the substrate and the stem are defined as two separate elements, where the “substrate is mounted on the stem.” The stem 6

of the Hasegawa reference is merely a single element, and therefore it makes little sense to consider that the stem is mounted upon itself. More importantly, both the upper surface of the stem 6 of Hasegawa and the remainder of the stem are made of the same material. However, a single material cannot simultaneously be “biased at a given voltage [or potential]” and serve as “an insulating member,” as defined in independent Claims 1 and 8. Accordingly, for at least these reasons, Applicants respectfully submit that the device of Hasegawa fails to disclose or suggest all of the claimed features of the present invention. Further, JP 07-272304, Noishiki et al. and AAPA all fail to remedy these deficiencies, and none of these references were relied upon for these features. Thus, for at least this reason, Applicants respectfully request the withdrawal of this §103 rejection of Claims 1 and 2

Second, even assuming *arguendo* that stem 6 of the Hasegawa reference can be considered as both the stem and the substrate, Applicants respectfully submit that the cited references fail to disclose or suggest the claimed “substrate . . . having an insulating member opposed to the stem,” as defined in independent Claims 1 and 8. One example of such an insulating member is represented by insulating member 77 of Applicants’ Figure 5, which is between stem 74 and substrate 76. Thus, independent Claims 1 and 8 each recite two insulating features: a first insulating feature in which the laser diode is “mounted on, and electrically insulating from, said substrate”; and a second insulating feature of said substrate, i.e., “said substrate . . . having an insulating member opposed to said stem.”

As correctly acknowledged by the Examiner, the Hasegawa reference does not disclose the claimed insulating member between the stem and the substrate. Accordingly, the

Examiner relied upon JP 07-272304 for this feature. However, JP 07-272304 also fails to disclose an insulating member between the stem and the substrate. Instead, JP 07-272304 only discloses an insulating member between a laser diode and a substrate, as shown in Figure 1 of JP 07-272304 (which shows insulation layer 3 between laser diode 4 and substrate 1). JP 07-272304 does not appear to mention an insulation layer between a substrate and a stem. Accordingly, even assuming *arguendo* that JP 07-272304 were combined with the Hasegawa reference, the proposed combination would still, at best, have only one insulating member (between the laser diode and the substrate) and it would still lack the second insulating member (between the substrate and the stem). Further, none of the other cited references disclose or suggest the claimed insulating member between the substrate and the stem. Accordingly, as all of the features of independent Claims 1 and 8 are not disclosed or suggested in the cited references, Applicants respectfully request the withdrawal of these §103 rejections of independent Claims 1 and 8, and associated dependent Claims 2, 3, 9 and 10, for this reason also.

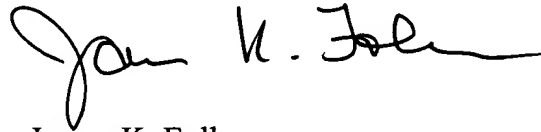
For all of the above reasons, Applicants request reconsideration and allowance of the claimed invention. Should the Examiner be of the opinion that a telephone conference

would aid in the prosecution of the application, or that outstanding issues exist, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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